



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA

Street Closing Report



Meeting Date: January 7, 2013

Reference Name	Street Closing – 169.25 linear feet of Newman Street (SC1200002)	Jurisdiction	City
Request	To conduct a public hearing to consider the permanent closing of 169.25 linear feet of Newman Street and to permanently close the right-of-way.		
Applicant	RHGC Investments, LLC	Submittal Date	July 18, 2012
Location	North of Fayetteville Street, between East Ramseur Street and Walker Street.		
Recommendation	Approve the permanent closing of the public right-of-way.		

**A. Summary**

This is a request to permanently close a 169.25 linear foot segment of Newman Street, west from its intersection with Walker Street (See Attachment 1, Context Map). The right-of-way is currently improved and runs directly parallel to the Fayetteville Street right-of-way. This street closing is being requested to comply with a special condition of approval for the large simplified site plan for the Davita Dialysis Center, which is being constructed just north of the proposed street closure. The distribution of the proposed right-of-way closing will go to the owner of the Davita Dialysis Center site, which is the applicant.

**B. Area Characteristics**

The area surrounding the right-of-way is zoned Downtown Design – Support 1 and is in the Downtown Tier. The immediate area is being improved with a medical office building (Davita Dialysis Center). There is one single-family house fronting on Newman Street just west of the proposed portion of the street to be closed. Newman Street shares its right-of-way with Fayetteville Street to the south. Across Fayetteville Street is a railroad right-of-way and a multi-family residential development.

Adjacent Land Uses and Zoning			
	Uses	Zoning Districts	Overlay Districts
North	Medical office building	DD-S1	None
South	Rail road right-of-way and multi-family residential	IL and RU-M	None
East	Light industrial	DD-S1	None
West	Single-family residence and medical office building	DD-S1	None

### C. Statutory Requirements

North Carolina Statute 160A-299 requires that the Governing Body make two findings prior to closing any street or alley. These are:

- 1) Closing the street or alley is not contrary to the public interest; and
- 2) No individual owning property in the vicinity of the street or alley or in which it is located would be deprived of reasonable means of ingress or egress to that property.

### D. Code Requirements

Section 13.5.1 Access, of the Unified Development Ordinance requires that every buildable lot have access to a public or private street that is designed, constructed and maintained to the appropriate standards.

### E. Service Impacts

This request was submitted to service agencies for review and comment. Their comments are shown below:

Service Agency Comments		
Service Agency	Comments	How Addressed
NCDOT	No response	n/a
County - Engineering	No response	n/a
County - Fire Marshall	No impact	n/a
Durham County Sherriff	No impact	n/a
Emergency Medical Services	No impact	n/a
911	No impact	n/a
Durham Public Schools	No impact	n/a
City - Transportation	No impact	n/a
City - Engineering	No impact	n/a
City - Fire Department	No impact	n/a
City – Parks and Recreation	No impact	n/a
City – Solid Waste	No impact	n/a
City – Inspections	No impact	n/a
City – General Services	No impact	n/a
Police Department	No response	n/a
Duke Energy	No response	n/a
PSNC	No response	n/a
Frontier	No impact	n/a
USPS Postmaster	No response	n/a
Tax Assessor Office	No response	n/a
Address Coordinator, GIS	No response	n/a

**F. Staff Analysis**

The area adjacent to the right-of-way is zoned DD-S1 and IL and in the Downtown and Compact Neighborhood Tiers.

The proposed street closing plat (Attachment 3, Final Plat Reduction) indicates that the entire Newman Street portion of the right-of-way will be recombined with the applicant's parcel to the north. There are no adjacent parcels to the south, east and west of this street closure, as these areas are all existing right-of ways.

**G. Recommendation**

Approve the permanent closing of 169.25 linear feet of public right-of-way.

**H. Staff Contact**

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**I. Attachments**

1. Context Map
2. Aerial Map
3. Final Plat Reduction
4. Street Closing Application
5. Street Closing Order